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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/838,177	04/20/2001	Erik Riedel	10008120-1	1565

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EXAMINER

NGUYEN, VAN H

ART UNIT PAPER NUMBER

2126

DATE MAILED: 10/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/838,177

Applicant(s)

RIEDEL, ERIK

Examiner

VAN H NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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DETAILED ACTION

1. This Office Action is in response to the application filed April 20, 2001. Claims 1-20 are presented for examination.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-20 are rejected under 35 U.S.C. 102(b) as being anticipated by **Watanabe** (U.S. 5,317,746).

As to claim 1, Watanabe teaches (abstract) a method of responding to a request in a distributed system (*a data processing system of client/server architecture*), the distributed system including a plurality of hosts (*servers*), wherein each host is operable to respond to at least one type of request (*requests*), the method comprising steps of:

- receiving a multicasted message, the message including a request (*at least one client space which can issue a processing request in the form of a message... receiving the processing request*; col.3, lines 43-64/ *receives the message representing a processing request*; col.6, lines 12-31);

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- determining a type of the request (*identifying the type of a request code placed in the message; col.3, lines 43-64/Upon reception of the message, the server space 17 checks the type of the request code; col.5, lines 23-34/ the request code indicating the type of the request; col.7, lines 33-63*); and

- responding to the request based on the type of the request (*each message is affixed with the request code for thereby allowing the request represented by the message to be allocated to the server which can provide the service as requested by the message; col.7, lines 33-63*).

As to claim 2, Watanabe teaches designating a subset of the plurality of hosts for each type of request (col.7, lines 33-63).

As to claim 3, Watanabe teaches a host of the plurality of hosts responding to the request in response to the host being included in a subset for the type of the request (col.7, lines 33-63).

As to claim 4, Watanabe teaches determining whether responding to the request includes providing a state-changing response (col.8, lines 6-45).

As to claim 5, Watanabe teaches generating multiple responses from multiple hosts in the subset for the type of the request; transmitting the multiple responses to a client in response to the responding including a non-state-changing-response; and synchronizing the multiple responses in response to the responding including a state changing-response (col.7, line 33-col.8, line 45).

As to claim 6, Watanabe teaches designating a synchronizing host operable to facilitate transmitting one of the multiple responses to the client (col.7, lines 33-63).

As to claim 7, Watanabe teaches transmitting a message to each host in the subset for the type of the request, the message indicating that a response has been transmitted to the client; and

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deleting the request from a queue for each host receiving the message (col.6, lines 47-60 and col.7, lines 33-63).

As to claim 8, Watanabe teaches the type of request includes one of a meta data request and a data request (col.3, lines 43-64 and col.7, lines 33-63).

Claim 9 is directed to a system for performing the method of claim 1, and is similarly rejected under the same rationale.

As to claim 10, Watanabe teaches multiple hosts in a subset for the type of the request responds to the request (col.7, lines 33-63).

As to claim 11, Watanabe teaches the multiple hosts in the subset for the type of the request determines whether responding to the request includes providing a state changing response (col.7, line 33-col.8, line 45).

As to claim 12, Watanabe teaches the subset for the type of the request includes a synchronization host, the synchronization host is operable to facilitate transmitting a single response to a client in response to the multiple hosts in the subset generating a state-changing response (col.7, line 33-col.8, line 45).

As to claim 13, Watanabe teaches the multiple hosts in the subset transmit a response to the client in response to the multiple hosts in the subset generating a non-state changing response (col.7, line 33-col.8, line 45).

Claim 14 includes the same subject matter as in claim 8, and is similarly rejected under the same rationale.

Claims 15-20 is directed to a computer readable medium for implementing the method of claims 1-5 and 8, and are similarly rejected under the same rationale.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Caldwell et al. US 6421673 issued date: 07/2002
- Hamilton et al. US 6381215 issued date: 04/2002
- Lam et al. US 5926636 issued date: 07/1999
- Zang et al. "Object-Oriented design of Adaptive Multicast Communications" IEEE 1999, pp. 1-6.
- Gemmell et al. "Fcast Multicast File Distribution" IEEE 2000, pp.1-14.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to VAN H NGUYEN whose telephone number is (703) 306-5971. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The examiner can also be reached on alternative Friday.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-9000.

Any response to this action should be mailed to:

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

or fax to:

(703) 746-7239 (for formal communications intended for entry)
(703) 746-7238 (for After Final communications)
(703) 746-7240 (for informal or draft communications)

VHN
October 14, 2003



JOHN FOLLANSBEE
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